

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RONALD D. BOWEN)
v.)
UNITED STATES OF AMERICA)
)
)
) No. 3:10-0048
) JUDGE CAMPBELL

ORDER

Pending before the Court is a Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence By A Person In Federal Custody (Docket No. 1), filed by the Movant/Petitioner (hereinafter “Petitioner”), to which the Government has filed a Response. (Docket No. 10). The Court held an evidentiary hearing in this case on April 21, 2010. (Docket Nos. 16, 17, 18). Both parties have filed post-hearing briefs (Docket Nos. 21, 22).

Based on the evidence adduced at that hearing, the pleadings and briefs filed by both parties, the record of Petitioner's underlying conviction, and the entire record in this case, the Court concludes that Petitioner's Motion is GRANTED for the reasons set forth in the accompanying Memorandum. Specifically, the Court concludes that Petitioner received the ineffective assistance of counsel for failure of counsel to convey and explain the terms of the Government's plea offer to him.

On or before July 21, 2010, the parties shall file briefs addressing the appropriate remedy for the constitutional deprivation found by the Court herein.

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE